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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ERICA FRASCO, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

FLO HEALTH, INC., GOOGLE, LLC,
FACEBOOK, INC., APPSFLYER, INC., and
FLURRY, INC.,

Defendants.

Case No.: 3:21-cv-00757-JD

**JOINT PROPOSED PRE-TRIAL CLASS
NOTICE PLAN**

1 Plaintiffs Jennifer Chen, Erica Frasco, Tesha Gamino, Madeline Kiss, Autumn Meigs, Leah
2 Ridgway, and Sarah Wellman (“Plaintiffs”), by and through their counsel of record, and Flo Health,
3 Inc. (“Flo”), Google, LLC (“Google”), and Meta Platforms, Inc. (f/k/a Facebook, Inc.) (“Meta”)
4 (collectively, the “Defendants”), by and through their respective counsel of record, (together, the
5 “Parties”), hereby provide a proposed pre-trial class notice plan pursuant to this Court’s May 19, 2025
6 order. Dkt. No. 605 at 35.

7 For efficiency and to minimize overall administrative expenses, the Parties propose adopting
8 the format and procedures of the “preliminarily, preliminarily approved” settlement class notice plan
9 for the proposed settlement with Flurry. *See* Dkt. No. 604 (5/15/25 Hearing Transcript). As outlined
10 in Plaintiffs’ Unopposed Motion for Preliminary Approval (Dkt. No. 589) and the Declaration of
11 Justin Parks of A.B. Data submitted in support thereof (Dkt. No. 589-11), notice would be overseen
12 by proposed Third-Party Administrator (“TPA”) A.B. Data and conducted in accordance with the
13 plan proposed for the Flurry settlement. All parties agree that this is the appropriate form of notice
14 in this case, as email notice is the best practicable way to ensure that Class Members are aware that
15 they are part of the class in this certified class in this case and apprised of their rights. *See, e.g.,*
16 *Browning v. Yahoo! Inc.*, 2006 WL 3826714, *8–9 (N.D. Cal. 2006). The Parties accordingly request
17 the Court appoint A.B. Data as TPA for purposes of administering this notice program.

18 Flo has already begun the process of collecting Class Members’ email addresses so that
19 individualized notice can be provided as soon as possible; however, the emails in question date back
20 nine years and are not stored in any active or easily searchable archive. Rather, they reside on backup
21 systems designed for long-term retention. Unwinding these systems requires specialized retrieval and
22 restoration processes that are time-intensive and resource-dependent. According to Flo, its engineers
23 need 30 days to retrieve and review this material.

24 Once Flo produces the email list, A.B. Data will need to conduct certain processing steps prior
25 to sending notice to the Class. Specifically, A.B. Data will conduct a deliverability analysis to ensure
26 the email addresses are valid, coordinate with their email service provider to optimize sending
27 strategies and take steps to avoid triggering SPAM or junk filters, which includes sending emails in
28

batches over a multiweek period. Dkt. No. 589-11 ¶¶ 9-12.

Acknowledging that Class Members must have the right to opt-out before trial begins, the Parties accordingly propose the following notice schedule.

Event	Timing
Flo Health, Inc. provides email list to TPA	June 26, 2025
TPA to send email notice to Class Members	July 28, 2025
Deadline for Class Members to opt-out	September 26, 2025

The Parties will file an update on May 30, 2025, regarding their respective proposals for a new trial date consistent with the schedule reflected above.

Dated: May 27, 2025

/s/ Christian Levis

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E-FILING ATTESTATION

I, Christian Levis, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories above has concurred in this filing.

/s/Christian Levis